

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 234.6, the Department of Human Services proposes to amend Chapter 187, “Aftercare Services and Supports,” Iowa Administrative Code.

The proposed amendments:

- Expand the definition of “foster care experience” used to determine eligibility for the aftercare services program, which assists youth leaving foster care in their successful transition to adulthood.
- Lower the employment requirements for aftercare eligibility from 25 hours per week to 80 hours per month. This requirement matches the federal guidelines for foster care eligibility for youth over the age of 18 and will provide for a smoother transition should the Department choose to expand eligibility for foster care.
- Exclude nonrecurring lump-sum payments from consideration in determining a youth’s eligibility for a preparation for adult living (PAL) stipend. Such payments include refunds of security deposits or retroactive payment of benefits such as Supplemental Security Income or unemployment insurance.
- Require recoupment of PAL benefits that are continued pending an appeal of a decision to reduce or cancel the stipend if the Department’s decision is upheld, and provide for recoupment through reduction of any future stipends. These provisions mirror those in effect for other cash assistance programs.

Under these amendments, youth who are at least 16 years old when they leave foster care for subsidized guardianship or for adoption would be eligible for aftercare services when they reach the age of 18. A psychiatric medical institution for children (PMIC) would also be a qualifying foster care placement for aftercare services eligibility. Aftercare services may include development of an individual self-sufficiency plan, life skills training, vendor payments to meet direct expenses necessary in order for the youth to meet the goals of the plan, follow-up by program staff, ongoing assessment, and case management.

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

Any interested person may make written comments on the proposed amendments on or before March 16, 2010. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code section 234.6 and Public Law 110-351, the Fostering Connections to Success and Increasing Adoptions Act of 2008.

The following amendments are proposed.

ITEM 1. Amend subrule 187.2(3) as follows:

187.2(3) Foster care experience.

a. The youth must leave foster care either:

- (1) On or after the youth’s eighteenth birthday; or
- (2) Between the ages of 17½ and 18 after being in foster care continuously for at least six months;

or

(3) For placement in a subsidized guardianship arrangement on or after October 7, 2008, and on or after the youth’s sixteenth birthday; or

(4) Due to adoption on or after October 7, 2008, and on or after the youth’s sixteenth birthday.

b. and c. No change.

d. Foster care may include, but is not limited to, placement in:

(1) to (7) No change.

(8) A psychiatric medical institution for children (PMIC).

e. No change.

ITEM 2. Amend subrule 187.11(4) as follows:

187.11(4) Activity. The youth must ~~be engaged in or actively pursuing full-time activity comprised of~~ meet one or more of the following criteria:

a. ~~Enrollment~~ Be enrolled in or actively pursuing enrollment in a postsecondary ~~educational~~ education or training program or work training;

b. ~~Employment~~ Be employed for an average of 25 80 hours or more per week month or be actively seeking that level of employment; or

c. ~~School or program attendance~~ Be attending an accredited school full-time pursuing a course of study leading to a high school diploma ~~or GED~~; or

d. Be attending an instructional program leading to a high school equivalency diploma.

ITEM 3. Amend subrules 187.12(1) and 187.12(2) as follows:

187.12(1) Need. The amount of the PAL stipend shall be based on the needs of the youth as documented in the youth's self-sufficiency plan. Eligibility and the stipend amount shall be based on the best estimate of the youth's income, as determined at least quarterly.

a. All earned and unearned income received by the youth during the 30 days before the determination shall be used to project future income.

(1) If the 30-day period is not indicative of future income, income from a longer period or verification of anticipated income from the income source may be used to project future income.

(2) Nonrecurring lump-sum payments are excluded as income. Nonrecurring lump-sum payments include but are not limited to one-time payments received for such things as income tax refunds, rebates, credits, refunds of security deposits on rental property or utilities, and retroactive payments for past months' benefits such as SSI, unemployment insurance, or public assistance.

b. and c. No change.

d. Recoupment shall be made for any overpayment due to failure to timely report a change in income or for benefits paid during an administrative appeal if the department's action is ultimately upheld. Recoupment shall be done through a reasonable reduction of any future stipends.

e. No change.

187.12(2) Amount of monthly stipend. The maximum monthly stipend shall be \$574.

a. The stipend shall be prorated based on the date of entry.

b. Effect of income.

(1) and (2) No change.

(3) A youth receiving Supplemental Security Income payments is not eligible for a stipend.